

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DENNIS COOK,	:	CASE NO.
	:	1:02CV00073
	:	(J. WEBER)
PLAINTIFF	:	
	:	
VS.	:	
	:	
CITY OF NORWOOD, ET AL.,	:	
	:	
DEFENDANTS	:	

SPECIAL VERDICTS

WE, THE JURY, UNANIMOUSLY DETERMINE OUR SPECIAL
VERDICTS AS FOLLOWS:

PART I

1. DID PLAINTIFF DENNIS COOK ("PLAINTIFF") PROVE BY A
PREPONDERANCE OF THE LEGAL EVIDENCE THAT HE HAS A
"DISABILITY" AS DEFINED IN THE INSTRUCTIONS?

YES _____ NO _____

PROCEED TO THE NEXT SPECIAL VERDICT.

2. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL
EVIDENCE THAT DEFENDANTS REGARDED HIM AS HAVING MENTAL
LIMITATIONS WHICH PRECLUDED HIM FROM PERFORMING THE JOB
AS LEAD MAN WITHOUT REASONABLE ACCOMMODATION?

YES _____ NO _____

IF YOU ANSWERED YES TO EITHER SPECIAL VERDICT ONE OR SPECIAL VERDICT

TWO, PROCEED TO THE NEXT SPECIAL VERDICT; IF YOU ANSWERED NO TO

BOTH SPECIAL VERDICTS ONE AND TWO, PROCEED TO PART TWO.

3. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL

EVIDENCE THAT HE WAS A “QUALIFIED INDIVIDUAL WITH A

DISABILITY,” AS DEFINED IN THE INSTRUCTIONS, WHO COULD

PERFORM THE ESSENTIAL

FUNCTIONS OF HIS JOB?

YES _____ NO _____

IF ANSWER IS YES GO ON TO NEXT SPECIAL VERDICT, IF NO PROCEED TO PART TWO.

4. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE EVIDENCE

THAT DEFENDANTS TOOK ADVERSE EMPLOYMENT ACTION AGAINST

HIM AS THE TERM IS DEFINED IN THE INSTRUCTIONS?

YES _____ NO _____

IF ANSWER IS YES GO ON TO NEXT SPECIAL VERDICT, IF NO PROCEED TO PART TWO.

5. DID DEFENDANTS PROVE BY A PREPONDERANCE OF THE LEGAL

EVIDENCE THAT A LEGITIMATE, NONDISCRIMINATORY REASON

EXISTS FOR THE JOB ACTION TAKEN WITH RESPECT TO PLAINTIFF?

YES _____ NO _____

IF ANSWER IS YES GO ON TO NEXT SPECIAL VERDICT, IF NO PROCEED

TO
SPECIAL VERDICT SEVEN.

6. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL
EVIDENCE THAT DEFENDANTS' STATED REASONS FOR THE JOB
ACTION WERE PRETEXTUAL?

YES _____ NO _____

IF ANSWER IS YES GO ON TO NEXT SPECIAL VERDICT, IF NO PROCEED
TO PART
TWO.

7. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL
EVIDENCE THAT DEFENDANTS
INTENTIONALLY DISCRIMINATED AGAINST HIM BECAUSE OF HIS
DISABILITY OR BECAUSE OF A PERCEIVED
DISABILITY?

YES _____ NO _____

IF ANSWER IS YES GO ON TO NEXT SPECIAL VERDICT, IF NO PROCEED
TO PART
TWO.

8. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL
EVIDENCE THAT HE IS ENTITLED TO
DAMAGES FROM DEFENDANTS AS A RESULT OF DEFENDANTS'
VIOLATION OF LAW?

YES _____ NO _____

PART II

9. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL EVIDENCE THAT HE HAS A "DISABILITY" AS DEFINED IN THE INSTRUCTIONS?

YES _____ NO _____

IF ANSWER IS YES GO ON TO NEXT SPECIAL VERDICT, IF NO PROCEED TO PART THREE.

10. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL EVIDENCE THAT HE WAS A "QUALIFIED INDIVIDUAL WITH A DISABILITY," AS DEFINED IN THE INSTRUCTIONS, WHO COULD PERFORM THE ESSENTIAL FUNCTIONS OF HIS JOB?

YES _____ NO _____

IF ANSWER IS YES GO ON TO NEXT SPECIAL VERDICT, IF NO PROCEED TO PART THREE.

11. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL EVIDENCE THAT HE MADE A REQUEST OF DEFENDANTS FOR REASONABLE ACCOMMODATION?

YES _____ NO _____

IF ANSWER IS YES GO ON TO NEXT SPECIAL VERDICT, IF NO PROCEED TO PART THREE.

12. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL EVIDENCE THAT DEFENDANTS FAILED TO

PROVIDE PLAINTIFF WITH A REASONABLE ACCOMMODATION AS
THAT TERM IS DEFINED IN THE
INSTRUCTIONS?

YES _____ NO _____

IF ANSWER IS YES GO ON TO NEXT SPECIAL VERDICT, IF NO PROCEED
TO PART
THREE.

13. DID DEFENDANTS PROVE BY A PREPONDERANCE OF THE LEGAL
EVIDENCE THAT MAKING A
REASONABLE ACCOMMODATION FOR PLAINTIFF'S DISABILITY
WOULD CAUSE DEFENDANTS UNDUE
HARDSHIP?

YES _____ NO _____

PROCEED TO THE NEXT SPECIAL VERDICT.

14. DID DEFENDANTS PROVE BY A PREPONDERANCE OF THE LEGAL
EVIDENCE THAT IT MADE A GOOD
FAITH EFFORT TO PROVIDE PLAINTIFF WITH A REASONABLE
ACCOMMODATION FOR HIS DISABILITY?

YES _____ NO _____

IF ANSWER IS YES GO TO PART THREE, IF NO PROCEED TO NEXT
SPECIAL
VERDICT.

15. DID PLAINTIFF PROVE BY A PREPONDERANCE OF THE LEGAL

EVIDENCE THAT HE IS ENTITLED TO

DAMAGES FROM DEFENDANTS AS A RESULT OF DEFENDANTS'

VIOLATION OF LAW?

YES _____ NO _____

PART III

IF AND ONLY IF YOU HAVE ANSWERED "YES" TO EITHER SPECIAL VERDICTS 8 OR 15 ABOVE, PLEASE ANSWER THE NEXT SERIES OF SPECIAL VERDICTS . IF YOU ANSWERED BOTH "NO", PROCEED TO SIGN THE SPECIAL VERDICTS.

16. WHAT AMOUNT OF DAMAGES IN DOLLARS HAS PLAINTIFF PROVED

BY A PREPONDERANCE OF THE LEGAL EVIDENCE THAT HE IS

ENTITLED TO RECEIVE FROM DEFENDANTS AS A DIRECT RESULT OF

DEFENDANTS'

VIOLATION OF LAW?

A. BACK PAY _____

B. OTHER COMPENSATORY DAMAGES _____

PROCEED TO THE NEXT SPECIAL VERDICT.

17. DID DEFENDANTS PROVE BY A PREPONDERANCE OF THE LEGAL

EVIDENCE THAT PLAINTIFF FAILED TO MAKE A REASONABLE EFFORT

TO MITIGATE HIS DAMAGES, IF ANY, OR HAS BEEN UNAVAILABLE FOR

WORK FOR A CERTAIN PERIOD OF TIME?

YES _____ NO _____

IF ANSWER IS YES GO ON TO THE NEXT SPECIAL VERDICT, IF NO
PROCEED TO
SIGN THE SPECIAL VERDICTS.

18. PLEASE STATE THE AMOUNT IN DOLLARS BY WHICH DEFENDANTS
HAS PROVEN BY A PREPONDERANCE
OF THE LEGAL EVIDENCE THAT PLAINTIFF'S DAMAGES SHOULD BE
REDUCED DUE TO HIS FAILURE TO
MITIGATE HIS DAMAGES OR HIS UNAVAILABILITY FOR WORK?

\$ _____

PROCEED TO SIGN THE SPECIAL VERDICTS.

PLEASE SIGN YOUR NAMES BELOW.

DATE